

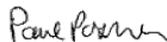
Kiskiminetas Communications LLC
SECTION 64.2009(E) CERTIFICATION
EB Docket No. 06-36

I, Paul Posner, a duly authorized officer of Kiskiminetas Communications LLC (499 Filer ID to be determined), ("Kiskitel"), hereby certify that I am an officer of the foregoing named company and, acting as an agent of that company, that I have personal knowledge that Kiskitel has established operating procedures that are adequate to ensure compliance with the rules of the Federal Communications Commission, codified at 47 C.F.R. Part 64 Subpart U, implementing Section 222 of the Communications Act of 1934, as amended.

Attached to this certification is an accompanying statement explaining how the company's procedures ensure that the company is in compliance with the requirements in section 64.2001 *et seq.* of the Commission's rules.

Kiskitel has not taken any actions against data brokers in the past year. The company has no additional information to report regarding the processes pretexters are using to attempt to access CPNI beyond what the Commission has been notified of already.

Kiskitel has not received any customer complaints in the past year concerning the unauthorized release of CPNI.



Paul Posner
President and CEO
Kiskiminetas Communications LLC
March 1, 2010

**STATEMENT REGARDING OPERATING PROCEDURES
IMPLEMENTING 47 C.F.R. PART 64 SUBPART U
GOVERNING USE OF
CUSTOMER PROPRIETARY NETWORK INFORMATION (CPNI)
MARCH 1, 2010**

The following statement explains how the operating procedures of **Kiskitel** ensure that it is in compliance with the Commission's CPNI rules, as codified at 47 C.F.R. Part 64 Subpart U.

I. Use of customer proprietary network information without customer approval.

A. **Kiskitel** may use, disclose, or permit access to CPNI for the purpose of providing or marketing service offerings among the categories of service to which the customer already subscribes from **Kiskitel**, without customer approval.

B. **Kiskitel** may not use, disclose, or permit access to CPNI to market to a customer service offerings that are within a category of service to which the subscriber does not already subscribe from **Kiskitel**, unless **Kiskitel** has customer approval to do so, except as described in Section I.C.

(1) **Kiskitel** may use, disclose or permit access to CPNI derived from their provision of CMRS service, without customer approval, for the provision of CPE and information services.

(2) **Kiskitel** may not use, disclose or permit access to CPNI to identify or track customers that call competing service providers.

C. **Kiskitel** may use, disclose, or permit access to CPNI, without customer approval, as follows:

(1) **Kiskitel** may use, disclose, or permit access to CPNI, in its provision of inside wiring installation, maintenance, and repair services.

(2) **Kiskitel** may use, disclose, or permit access to CPNI for the purpose of conducting research on the health effects of commercial mobile radio services ("CMRS").

(3) **Kiskitel** may use CPNI to market services formerly known as adjunct-to-basic services, such as, but not limited to, speed dialing, computer-provided directory assistance, call monitoring, call tracing, call blocking, call return, repeat dialing, call tracking, call waiting, caller I.D., call forwarding, and certain Centrex features.

D. **Kiskitel** may use, disclose, or permit access to CPNI to protect **Kiskitel's** rights or property; to protect its users and other carriers from fraudulent, abusive, or unlawful use of, or subscription to, **Kiskitel's** services; and to render, provision, bill or collect for services.

Kiskitel presently offers prepaid calling card services to its customers and only initiated service in January 2010. As a prepaid calling card provider, Kiskitel has only limited access to

and need for individually-identifiable CPNI. Nonetheless, as a matter of policy Kiskitel will only use CPNI to obtain customer billing information in the course of offering customer care service relating to the user's existing service, and does not use CPNI for marketing or other commercial purposes. Nor does the company disclose CPNI to third-parties unless said third-party is acting as an authorized third-party dealer agent of the company, and such sharing is done only in the context of customer care, and not for marketing purposes. Those third party dealers are subject to appropriate nondisclosure requirements with respect to customers' CPNI. The company will only use, disclose or permit access to CPNI information for other purposes pursuant to court order or subpoena. Moreover, as a pre-paid provider, the use, disclosure, and third party access to CPNI for billing and collecting (although permitted) is generally unnecessary. Kiskitel thus does not use CPNI in a manner that requires prior customer approval.

II. Approval required for use of customer proprietary network information.

A. Kiskitel may obtain customer approval through written, oral or electronic methods.

(1) Where **Kiskitel** obtains oral approval, it bears the burden of demonstrating that such approval has been given in compliance with the FCC's rules.

(2) A customer's approval or disapproval obtained by **Kiskitel** to use, disclose, or permit access to the customer's CPNI the use of CPNI outside of the customer's total service relationship with **Kiskitel** must remain in effect until the customer revokes or limits such approval or disapproval.

(3) **Kiskitel** must maintain records of notification and approval, whether oral, written or electronic, for at least one year.

B. Use of Opt-Out and Opt-In Approval Processes.

(1) Except where use, disclosure, or access to CPNI is otherwise permitted without prior customer approval (as described above), **Kiskitel** only uses, discloses or permits access to CPNI upon opt-out or opt-in approval, consistent with Section 64.2007 of the Commission's rules.

(2) Except for use and disclosure of CPNI that is permitted without customer approval under Section I, or that is described Section II.B, or as otherwise provided in section 222 of the Communications Act of 1934, as amended, **Kiskitel** may only use, disclose, or permit access to its customer's individually identifiable CPNI subject to opt-in approval.

Kiskitel does not currently use CPNI information for marketing or other commercial purposes in a manner that requires prior customer approval. Should the company use CPNI at all, including in a manner that requires prior customer approval, it will comply with the requirements described at Sections II and III herein.

III. Notice required for use of customer proprietary network information.

A. Notification, Generally.

(1) Prior to any solicitation for customer approval, **Kiskitel** must provide notification to the customer of the customer's right to restrict use of, disclosure of, and access to that customer's CPNI.

(2) **Kiskitel** must maintain records of notification, whether oral, written or electronic, for at least one year.

B. Individual notice to customers must be provided when soliciting approval to use, disclose, or permit access to customers' CPNI.

C. Content of Notice.

Customer notification must provide sufficient information to enable the customer to make an informed decision as to whether to permit **Kiskitel** to use, disclose, or permit access to, the customer's CPNI.

(1) The notification must state that the customer has a right, and **Kiskitel** has a duty, under federal law, to protect the confidentiality of CPNI.

(2) The notification must specify the types of information that constitute CPNI and the specific entities that will receive the CPNI, describe the purposes for which CPNI will be used, and inform the customer of his or her right to disapprove those uses, and deny or withdraw access to CPNI at any time.

(3) The notification must advise the customer of the precise steps the customer must take in order to grant or deny access to CPNI, and must clearly state that a denial of approval will not affect the provision of any services to which the customer subscribes. However, **Kiskitel** may provide a brief statement, in clear and neutral language, describing consequences directly resulting from the lack of access to CPNI.

(4) The notification must be comprehensible and must not be misleading.

(5) If written notification is provided, the notice must be clearly legible, use sufficiently large type, and be placed in an area so as to be readily apparent to a customer.

(6) If any portion of a notification is translated into another language, then all portions of the notification must be translated into that language.

(7) **Kiskitel** may state in the notification that the customer's approval to use CPNI may enhance **Kiskitel**'s ability to offer products and services tailored to the customer's needs. **Kiskitel** also may state in the notification that it may be compelled to disclose CPNI to any person upon affirmative written request by the customer.

(8) **Kiskitel** may not include in the notification any statement attempting to encourage a customer to freeze third-party access to CPNI.

(9) The notification must state that any approval or denial of approval for the use of CPNI outside of the service to which the customer already subscribes from **Kiskitel** is valid until the customer affirmatively revokes or limits such approval or denial.

(10) **Kiskitel**'s solicitation for approval must be proximate to the notification of a customer's CPNI rights.

D. Notice Requirements Specific to Opt-Out.

Kiskitel must provide notification to obtain opt-out approval through electronic or written methods, but not by oral communication (except as provided in paragraph F of this section). The contents of any such notification must comply with the requirements of paragraph C of this section.

(1) **Kiskitel** must wait a 30-day minimum period of time after giving customers notice and an opportunity to opt-out before assuming customer approval to use, disclose, or permit access to CPNI. **Kiskitel** may, in its discretion, provide for a longer period. **Kiskitel** must notify customers as to the applicable waiting period for a response before approval is assumed.

(i) In the case of an electronic form of notification, the waiting period shall begin to run from the date on which the notification was sent; and

(ii) In the case of notification by mail, the waiting period shall begin to run on the third day following the date that the notification was mailed.

(2) Insofar as **Kiskitel** is using the opt-out mechanism, it must provide a Notice to its customers every two years.

(3) If **Kiskitel** uses e-mail to provide opt-out notices, it must comply with the following requirements in addition to the requirements generally applicable to notification:

(i) **Kiskitel** must obtain express, verifiable, prior approval from consumers to send notices via e-mail regarding its service in general, or CPNI in particular;

(ii) **Kiskitel** must allow customers to reply directly to e-mails containing CPNI notices in order to opt-out;

(iii) Opt-out e-mail notices that are returned to **Kiskitel** as undeliverable must be sent to the customer in another form before **Kiskitel** may consider the customer to have received notice;

(iv) **Kiskitel** must ensure that the subject line of the message clearly and accurately identifies the subject matter of the e-mail; and

(v) **Kiskitel** must make available to every customer a method to opt-out that is of no additional cost to the customer and that is available 24 hours a day, seven days a week. **Kiskitel** may satisfy this requirement through a combination of methods, so long as all customers have the ability to opt-out at no cost and are able to effectuate that choice whenever they choose.

E. Notice Requirements Specific to Opt-In.

Kiskitel may provide notification to obtain opt-in approval through oral, written, or electronic methods. The contents of any such notification must comply with the requirements of paragraph C of this section.

F. Notice Requirements Specific to One-Time Use of CPNI.

(1) **Kiskitel** may use oral notice to obtain limited, one-time use of CPNI for inbound and outbound customer telephone contacts for the duration of the call, regardless of whether **Kiskitel** uses opt-out or opt-in approval based on the nature of the contact.

(2) The contents of any such notification must comply with the requirements of paragraph C of this section, except that **Kiskitel** may omit any of the following notice provisions if not relevant to the limited use for which **Kiskitel** seeks CPNI:

(i) **Kiskitel** need not advise customers that if they have opted-out previously, no action is needed to maintain the opt-out election;

(ii) **Kiskitel** need not advise customers that they may share CPNI with their affiliates or third parties and need not name those entities, if the limited CPNI usage will not result in use by, or disclosure to, an affiliate or third party;

(iii) **Kiskitel** need not disclose the means by which a customer can deny or withdraw future access to CPNI, so long as **Kiskitel** explains to customers that the scope of the approval **Kiskitel** seeks is limited to one-time use; and

(iv) **Kiskitel** may omit disclosure of the precise steps a customer must take in order to grant or deny access to CPNI, as long as **Kiskitel** clearly communicates that the customer can deny access to his CPNI for the call.

Kiskitel does not currently use CPNI information for marketing or other commercial purposes in a manner at all, including in a manner that requires prior customer approval. Should the company use CPNI in a manner that requires prior customer approval, it will comply with the requirements described at Sections II and III herein.

IV. Safeguards required for use and disclosure of customer proprietary network information.

A. **Kiskitel** must implement a system by which the status of a customer's CPNI approval can be clearly established prior to the use of CPNI.

Kiskitel does not currently use CPNI information for marketing or other commercial purposes in a manner that requires prior customer approval.

B. Kiskitel may release call detail information during a customer initiated telephone contact only if reasonable authentication procedures are complied with and (1) the customer provides **Kiskitel** with a pre-established password, (2) **Kiskitel**, at the customer's request, sends the call detail information to the customer's address of record provided the address of record has been associated with the account for at least thirty (30) days, or (3) when **Kiskitel** calls the telephone number of record to disclose the call detail information. **Kiskitel** is permitted to create a back-up customer authentication method for lost or forgotten passwords. **Kiskitel** is also prohibited from releasing call detail information during a retail visit without the appropriate password or valid photo identification.

However, if the during a customer-initiated telephone contact, the customer is able to provide without assistance from **Kiskitel** personnel all of the call detail information necessary to address a customer service issue (i.e., the telephone number called, when it was called, and if applicable the amount charged for the call), then **Kiskitel** personnel are permitted to proceed with its routine customer care procedures.

Consistent with these requirements, as a matter of policy Kiskitel does not use or disclose any Call Detail Information stored in Company-owned and controlled databases in the first instance. With respect to non-call detail CPNI, in the course of handling a customer initiated telephone contact, Kiskitel representatives are required to obtain an account security password before CPNI can be released. If the customer fails to remember the password, an account security question must be answered (setup by customer at time of activation). If the customer is unable to verify account by either means, the customer will be directed to a Retail location to present appropriate federal or state issued ID. No information is released during a Retail visit without security information confirmation or valid federal or state ID.

Further, Kiskitel will release non-call detail CPNI to other account users other than the customer only after security information is confirmed with account holder. Authorized users can be added by said account holder after identification verified. No other use of CPNI is permitted by Kiskitel. Prior authorization to add or remove account users in this manner must be given through Customer Service, Retail Store location or an authorized third-party dealer.

C. Not later than June 8, 2008, **Kiskitel** must authenticate a customer without readily available biographical or account information prior to allowing the customer on-line access to CPNI related telecommunication service account. Once authenticated, the customer may only obtain on-line access to CPNI related telecommunications service account through a password.

Kiskitel's online account access is only accessed by a customer authenticating with a customer-defined password. Kiskitel does not utilize readily available biographical or account information to authenticate its online users. Call detail records, moreover, are not available online even to an authenticated customer.

D. Kiskitel is required to notify customers immediately when a password or back-up means of authentication for lost or forgotten passwords, on-line account, or address of record is created or changed. Such notification is not required when the customer initiates service, including the selection of a password.

Kiskitel does not provide online access to call detail information for customers such that a password (as defined in the FCC's rules), is required in the first instance, and does not send CPNI to a customer's email or postal address under any circumstances. Thus, the company's internal processes and safeguards ensure that the types of customer account changes enumerated in the FCC's rule do not result in an unauthorized release of call detail information or other CPNI (as applicable). Nevertheless, policies are in place to notify customers when applicable account changes occur.

E. Business customers are exempt from the password requirements if: the customer is contractually bound to **Kiskitel**, is serviced by a dedicated **Kiskitel** account representative as the primary contact, and within the contract **Kiskitel** is responsible to address its CPNI obligations. If, at any point, the business customer must go through a call center to reach a customer service representative, then the exemption does not apply.

All accounts are password verified as described above, as business accounts do not carry separate designations.

F. Kiskitel must train its personnel as to when they are and are not authorized to use CPNI, and **Kiskitel** must have an express disciplinary process in place.

Kiskitel trains all customer interacting employees on the appropriate handling of CPNI and when they are authorized to use it. Progressive disciplinary actions are in place for breaches of CPNI regulations, including and up to termination of employment.

G. Kiskitel must maintain a record, electronically or in some other manner, of its own and its affiliates' sales and marketing campaigns that use its customers' CPNI. **Kiskitel** shall maintain a record of all instances where CPNI was disclosed or provided to third parties, or where third parties were allowed access to CPNI. The record must include a description of each campaign, the specific CPNI that was used in the campaign, and what products and services were offered as a part of the campaign. **Kiskitel** shall retain the record for a minimum of one year.

Kiskitel does not use or provide third parties access to CPNI in the context of marketing campaigns.

H. Kiskitel must establish a supervisory review process regarding its compliance with the FCC's CPNI rules for outbound marketing situations and maintain records of its compliance for a minimum period of one year. Specifically, sales personnel must obtain supervisory approval of any proposed outbound marketing request for customer approval.

All outbound marketing campaigns are supervisor initiated and approved. To date, the company has opted not to use CPNI for marketing purposes or in any manner that requires prior customer approval.

I. Kiskitel must take reasonable measures to discover and protect against attempts to gain unauthorized access to CPNI, which may include encryption of its databases. **Kiskitel** must properly authenticate a customer prior to disclosing CPNI based on a customer-initiated telephone contact, on-line account access, or an in-store visit.

Kiskitel must take measures to protect CPNI stored in its internal databases from potential unauthorized access, and evaluate and increase its security measures should it discover an increase in attempts to gain access to unauthorized information.

In the course of handling a customer initiated telephone contact, Kiskitel representatives are required to obtain an account security password before CPNI can be released. If the customer fails to remember the password, an account security question must be answered (setup by customer at time of activation). If the customer is unable to verify account by either means, the customer will be directed to a Retail location to present appropriate federal or state issued ID. No information is released during a Retail visit without security information confirmation or valid federal or state ID.

All authorized personnel must authenticate on systems storing or interfacing with CPNI. Internal databases are protected from external access by use of multiple layers of firewall, and internal personnel policies and practices further restrict the ability of employees to obtain CPNI on an unauthorized basis. As described above, moreover, Kiskitel does not share or allow the use of CPNI obtained through the company except to authenticated account holders, or to account users to whom the account holder has expressly authorized such disclosure.

J. Kiskitel must provide written notice within five business days to the FCC of any instance where the opt-out mechanisms do not work properly, to such a degree that consumers' inability to opt-out is more than an anomaly.

(1) The notice shall be in the form of a letter, and shall include **Kiskitel's** name, a description of the opt-out mechanism(s) used, the problem(s) experienced, the remedy proposed and when it will be/was implemented, whether the relevant state commission(s) has been notified and whether it has taken any action, a copy of the notice provided to customers, and contact information.

(2) Such notice must be submitted even if **Kiskitel** offers other methods by which consumers may opt-out.

Kiskitel does not currently use CPNI information for marketing or other commercial purposes in a manner that requires prior customer approval.

K. Kiskitel has a general duty to first inform federal law enforcement agencies, followed up by notification to affected customers, after reasonable determination of a breach of its customers' CPNI.

(1) **Kiskitel** must file an electronic notification to the United States Secret Service (USSS) and the Federal Bureau of Investigation (FBI) within seven (7) business days through the central reporting facility furnished by the Commission.

(2) **Kiskitel** is prohibited from notifying customers or the general public of the breach until seven (7) business days have passed after notification to the USSS and FBI unless under certain specified circumstances as follows: (a) **Kiskitel** identifies an "extraordinary need to notify customers" before that period or (b) An ongoing or potential investigation or national security requires customer disclosure to be potentially delayed for up to thirty (30) days. **Kiskitel** must notify the affected customer(s) after the applicable period.

(3) **Kiskitel** must maintain a record, whether electronically or in some other manner of any breaches discovered, notifications made to the USSS or FBI and notifications made to customers. The record must include, if available, dates of discovery and notification, a detailed description of the CPNI that was the subject of the breach, and the circumstances of the breach. Records must be maintained for a two (2) year period.

Kiskitel actively warehouses these notifications and any breaches of CPNI, and has policies and procedures in place to notify Federal law enforcement and affected customers in accordance with these requirements. Records of any breaches will be maintained for at least two years.

V. Supplemental Information

The FCC's rules require that the annual certification filed pursuant to 47 C.F.R. § 64.2009(e) disclose any actions taken against data brokers and a summary of all consumer complaints received in the previous calendar year regarding the unauthorized release of CPNI. A list of actions taken against data brokers (if any) during the prior calendar year, as well as a summary of all consumer complaints received in that period, are attached, together with information regarding pretexters' processes for attempting to access CPNI and steps taken to protect CPNI from pretexters.

ATTACHMENT

This data reflects that Kiskitel did not provide telecommunications service in 2009.

ACTIONS TAKEN AGAINST DATA BROKERS IN 2009

Forum	Description of Action(s)
Court	None
State Commission	None
FCC	None

**SUMMARY OF CUSTOMER COMPLAINTS
CONCERNING UNAUTHORIZED RELEASE OF CPNI IN 2009**

Nature of Complaint	Total Number
Improper Access by Employees	0
Improper Disclosure to Unauthorized Individuals	0
Improper Access to Online Information by Unauthorized Individuals	0
Other	None

**PRETEXTERS' ATTEMPTS TO ACCESS CPNI AND STEPS TO PROTECT CPNI
FROM PRETEXTERS**

Kiskitel has no additional information beyond what has already been reported to the FCC and to Congress with respect to pretexters' practices.